

REMARKS

This Amendment is in response to the Office Action dated November 26, 2003. Reconsideration of the rejections of the pending claims contained therein is hereby respectfully requested.

In addition to addressing the rejections contained in the subject Office Action, the following Remarks are intended to summarize the telephone interview which took place on March 2, 2004 between Examiners Sadaat and Hotaling and the undersigned. Although it is noted that the Examiners' interview record dated March 3, 2004 accurately describes the interview which took place, this Applicants' summary is provided in order to comply with 37 C.F.R. §1.133.

SUMMARY OF INTERVIEW

During the subject telephone interview, independent claims 39 and 43 were principally discussed. In this regard, various arguments were presented as to the patentability of the independent claims over the *3DZonemaster* reference (i.e. as combined with Gross et al.). Most particularly, it was pointed out that the device disclosed in the *3DZonemaster* reference, although having a gun-like appearance, is not, in fact, a light gun and is not used for aiming or pointing purposes. Consequently, because the *3DZonemaster* does not act as a light gun, it was argued that there is no incentive to combine the *3DZonemaster* reference with the Gross et al. patent to arrive at the combination claimed as the subject invention (prior to the amendments contained herein).

Furthermore, claims 40 and 44 were briefly discussed as potentially reciting patentable subject matter because it is not believed that there is an incentive to combine the Magid et al. patent with the prior art cited against the

independent claims (e.g. to overcome the ``click-and-carry'' features as recited therein).

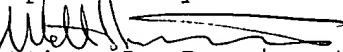
REJECTIONS UNDER 35 U.S.C. §103

Claims 39-46 and 49-51 stand rejected under 35 U.S.C. §103. In view of the amendments above, reconsideration of the subject rejections is respectfully requested.

Pursuant to the Examiner's kind suggestions, Applicants have herein amended claims 39 and 43 to contain the limitations of respective dependent claims 40 and 44 (while simultaneously canceling claims 40 and 44). As discussed during the interview, it is not believed that there is any motivation, implicit or explicit, contained in the cited references to make the combination(s) as now claimed. More specifically, although Magid et al. fairly teaches a cursor control method similar to that claimed by Applicants, there is no incentive contained in said reference (nor in *3DZonemaster*, or Gross et al.) that would motivate one skilled in the art to make the combination as now claimed in order to solve the unique safety and tactical problems discussed in Applicants' prior responses. For the foregoing reasons then, an indication of the allowance of all pending claims is respectfully solicited.

Although all issues are believed to have been resolved via the above amendments, if any issues are deemed to remain, the Examiner is respectfully requested to contact the undersigned telephonically so that such issues can be resolved most expeditiously.

Date: 3-23-2004

Respectfully Submitted,

Matthew A. Pequignot
Reg. No. 43,851
Attorney for Applicant

HALL, PRIDDY, MYERS, & VANDE SANDE
10220 River Road, Suite 200
Potomac, Maryland 20854
(301) 983-2500